



House of Representatives

General Assembly

File No. 591

January Session, 2017

Substitute House Bill No. 7195

House of Representatives, April 13, 2017

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE TASK FORCE TO STUDY METHODS FOR IMPROVING THE COLLECTION OF PAST DUE CHILD SUPPORT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (e) of section 6-38b of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (e) The commission, in consultation with the State Marshals
5 Advisory Board, shall (1) adopt regulations in accordance with the
6 provisions of chapter 54 to establish professional standards, including
7 training requirements and minimum fees for execution and service of
8 process, and (2) implement policies and procedures to increase state
9 marshal participation in the serving of capias mittimus orders. Such
10 policies and procedures may require that at all times a certain
11 minimum percentage of the overall number of state marshals be
12 actively engaged in the service of capias mittimus orders.

13 Sec. 2. Subsection (a) of section 3-119 of the general statutes is
14 repealed and the following is substituted in lieu thereof (*Effective July*
15 *1, 2017*):

16 (a) The Comptroller shall pay all salaries and wages not less than
17 ten calendar days or more than fifteen calendar days after the close of
18 the payroll period in which the services were rendered, except as
19 provided in subsections (b) and (c) of this section, but shall draw no
20 order in payment for any service of which the payroll officer of the
21 state has official knowledge without the signed statement of the latter
22 that all employees listed on the payroll of each agency have been duly
23 appointed to authorized positions and have rendered the services for
24 which payment is to be made. The Comptroller is authorized to
25 develop, install and operate a comprehensive fully documented
26 electronic system for effective personnel data, for payment of
27 compensation to all state employees and officers and for maintenance
28 of a chronological and permanent record of compensation paid to each
29 employee and officer for the state employees retirement system and
30 other purposes. Such electronic system shall, within available
31 appropriations, facilitate the electronic processing of an income
32 withholding order entered by a state or federal court, including any
33 withholding order transmitted to the Comptroller by means of the
34 electronic income withholding order process implemented by the
35 federal Office of Child Support Enforcement. The Comptroller is
36 authorized to establish an accounting procedure to implement this
37 section.

38 Sec. 3. Subsection (h) of section 31-227 of the general statutes is
39 repealed and the following is substituted in lieu thereof (*Effective July*
40 *1, 2017*):

41 (h) (1) An individual filing an initial claim for unemployment
42 compensation shall, at the time of filing such claim, disclose whether
43 or not the individual owes child support obligations, [as defined under
44 subdivision (6) of this subsection.] If any such individual discloses that
45 he or she owes child support obligations and has been determined to

46 be eligible for unemployment compensation, the administrator shall
47 notify the state or local child support enforcement agency enforcing
48 such obligation that the individual is eligible for unemployment
49 compensation.

50 (2) The administrator shall deduct and withhold from any
51 unemployment compensation payable to an individual who owes
52 child support obligations (A) the amount specified by the individual to
53 the administrator to be deducted and withheld under this subsection,
54 if neither subparagraph (B) nor (C) of this subdivision is applicable, or
55 (B) the amount determined pursuant to an agreement submitted to the
56 administrator under Section 654(20)(B)(i) of the Social Security Act by
57 the state or local child support enforcement agency, unless
58 subparagraph (C) of this subdivision is applicable, or (C) any amount
59 otherwise required to be so deducted and withheld from such
60 unemployment compensation pursuant to legal process, as defined in
61 Section 662(e) of the Social Security Act, properly served upon the
62 administrator. For the purposes of this subdivision, legal process shall
63 be deemed properly served upon the administrator if such legal
64 process is transmitted to the administrator by means of the electronic
65 income withholding order process implemented by the federal Office
66 of Child Support Enforcement.

67 (3) Any amount deducted and withheld under subdivision (2) of
68 this subsection shall be paid by the administrator to the appropriate
69 state or local child support enforcement agency.

70 (4) Any amount deducted and withheld under subdivision (2) of
71 this subsection shall for all purposes be treated as if it were paid to the
72 individual as unemployment compensation and paid by such
73 individual to the state or local child support enforcement agency in
74 satisfaction of the individual's child support obligations.

75 (5) This subsection shall be applicable only if appropriate
76 arrangements have been made for reimbursement by the state or local
77 child support enforcement agency for the administrative costs incurred
78 by the administrator under this subsection which are attributable to

79 child support obligations being enforced by such state or local child
80 support enforcement agency.

81 (6) For the purposes of this subsection, [the term] "unemployment
82 compensation" means any compensation payable under this chapter,
83 including amounts payable by the administrator pursuant to an
84 agreement under any federal law providing for compensation,
85 assistance, or allowances with respect to unemployment; "child
86 support obligations" includes only obligations which are being
87 enforced pursuant to a plan described in Section 654 of the Social
88 Security Act which has been approved by the Secretary of Health and
89 Human Services under Part D of Title IV of the Social Security Act; and
90 "state or local child support enforcement agency" means any agency of
91 this state or a political subdivision thereof operating pursuant to a plan
92 described in Section 654 of the Social Security Act which has been
93 approved by the Secretary of Health and Human Services under Part D
94 of Title IV of the Social Security Act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	6-38b(e)
Sec. 2	<i>July 1, 2017</i>	3-119(a)
Sec. 3	<i>July 1, 2017</i>	31-227(h)

Statement of Legislative Commissioners:

In Section 3(h)(1), "as defined under subdivision (6) of this subsection" was bracketed to avoid redundancy.

JUD *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 18 \$	FY 19 \$
Admin. Serv., Dept.	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact: None**Explanation**

The bill requires the State Marshal Commission to implement policies and procedures to increase state marshal participation in the execution of capias mittimus orders. Approximately 40 state marshals are currently trained to execute capias warrants, in 2016 this training cost \$15,000. If the commission decides to train an additional 120 state marshals, this bill would result in a cost of \$45,000.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**HB 7195*****AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE TASK FORCE TO STUDY METHODS FOR IMPROVING THE COLLECTION OF PAST DUE CHILD SUPPORT.*****SUMMARY**

This bill requires the State Marshal Commission to implement policies and procedures to increase state marshal participation in serving capias orders (i.e., orders to compel someone to appear in court).

The bill requires the comptroller to facilitate the electronic processing of federal and state court income withholding orders, including certain child support orders.

It also specifies that a child support withholding order sent to the labor commissioner through the federal electronic system is considered proper legal process for the purpose of withholding outstanding child support from an obligor's unemployment compensation.

EFFECTIVE DATE: July 1, 2017, except the provision on policies and procedures for serving capias orders is effective upon passage.

CAPIAS ORDERS

The bill requires the State Marshal Commission, in consultation with the State Marshals Advisory Board, to implement policies and procedures, such as requiring that a minimum percentage of capias orders be served by state marshals at all times, to increase state marshal participation in serving such orders.

Under existing law, the commission and advisory board must establish state marshals' professional standards, including training requirements and minimum fees for serving process. Service of process

is the procedure by which a party to a lawsuit gives an appropriate notice of initial legal action to another party.

ELECTRONIC INCOME WITHHOLDING ORDER PROCESS (E-IWO)

Comptroller — State Employees' Compensation

By law, the comptroller may use an electronic system for paying state employees. Under the bill, such an electronic system must, within available appropriations, facilitate the electronic processing of federal and state court income withholding orders, including child support orders sent through the e-IWO process (see BACKGROUND).

Labor Commissioner — Unemployment Compensation

Under existing law, the labor commissioner must withhold from a person's unemployment compensation the child support owed based on the amount (1) specified by the person in his or her initial unemployment claim, (2) determined by a state or local child support enforcement agency, or (3) required by legal process properly served on the commissioner. The bill specifies that a child support withholding order sent to the commissioner through the e-IWO process is considered proper legal process for the purpose of withholding outstanding child support from an obligor's unemployment compensation.

BACKGROUND

e-IWO Process

The federal Office of Child Support Enforcement (CSE) implemented the e-IWO process, which enables states to send and employers to receive income withholding orders electronically. It also allows employers to notify states about the status of existing income withholding orders.

Related Laws

Title IV-D of the federal Social Security Act established the CSE program (42 USCA § 301 et seq.). The CSE program, funded by both state and federal dollars, provides services related to the establishment, modification, and enforcement of child support orders.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 39 Nay 0 (03/29/2017)